

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.**
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

FILED BY CLERK

JUL 16 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2010-0119-PR
)	DEPARTMENT B
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
JUNIES A. JENKINS,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR19898

Honorable Charles V. Harrington, Judge

REVIEW GRANTED; RELIEF DENIED

Barbara LaWall, Pima County Attorney
By Jacob R. Lines

Tucson
Attorneys for Respondent

Junies A. Jenkins

Florence
In Propria Persona

V Á S Q U E Z, Presiding Judge.

¶1 Petitioner Junies Jenkins seeks review, purportedly “[p]ursuant to Rule[s] 31.19(a) and 32.9(g),” Ariz. R. Crim. P., of the trial court’s minute entry order entered on March 19, 2010. In that order, the court denied as untimely Jenkins’s “post-conviction

motion for new trial,” ostensibly filed pursuant to Rule 24, Ariz. R. Crim. P., and also denied his accompanying petition for appointment of counsel. We will not disturb either ruling unless we find the court clearly abused its discretion. *State v. McCall*, 160 Ariz. 119, 129, 770 P.2d 1165, 1175 (1989).

¶2 Jenkins was convicted of child molestation and attempted child molestation following a jury trial in 1987. For those dangerous crimes against children, he was sentenced to prison for consecutive terms totaling twenty-eight years. In the twenty-one years since this court affirmed his convictions and sentences on appeal in 1988, *see State v. Jenkins*, No. 2 CA-CR 87-0605 (memorandum decision filed Nov. 10, 1988), Jenkins has unsuccessfully sought post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P., and has asserted myriad other challenges to his convictions. The long history of his collateral attacks on his convictions is recounted in our memorandum decision in *State v. Jenkins*, No. 2 CA-CR 2009-0200-PR, ¶¶ 1-2 (memorandum decision filed Dec. 1, 2009).

¶3 The present cause number is the ninth we have assigned to Jenkins’s various filings in this court. Less than three weeks after we issued our most recent memorandum decision in December 2009, Jenkins filed in the trial court a “complaint of judicial misconduct” and demand for a jury trial, soon followed by a “demand for reconsideration [and for] recantation” of our decision. Two additional motions preceded, and a third followed, Jenkins’s filing of the motion and petition whose denial is at issue in the present petition for review.

¶4 We find no abuse of the trial court’s discretion in denying Jenkins’s latest unauthorized motion for new trial and request for counsel. As the court correctly noted,

the post-conviction motion for new trial was untimely, and Jenkins had no right to have counsel appointed for yet another collateral attack on his convictions. We approve and therefore adopt the court’s minute entry. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled on issue “in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court[’s] rehashing the trial court’s correct ruling in a written decision”). Although his petition for review contains the added assertion that his motion for new trial was based on “newly discovered evidence of prosecutorial misconduct,” Jenkins has not satisfied the requirements of either Rule 32.1(e) or Rule 32.2(b) for bringing such a claim.

¶5 We grant the petition for review but deny relief.

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Judge

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge